

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Steven T. Mitchell

Appl. No.: 10/685,139

Confirm. No.: 4489

Filed: October 14, 2003

Title: INTERSPINOUS PROCESS AND
SACRUM IMPLANT AND METHOD

PATENT APPLICATION

Art Unit: 3732

Examiner: Eduardo C. Robert

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to M/S Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 17, 2005.


(Attorney Signature)

Melissa L. Basch, Reg. No. 56,159

Signature Date: May 17, 2005

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- The present application is being/was filed after June 30, 2003. In accordance with the pre-official gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at: pac/dapp/opla/preognotice/idswouscopies.htm, copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as still required, except for those items designated by an asterisk (*), which were previously submitted

by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

This statement should be considered because:

37 C.F.R. §1.97(b). This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.
-- AND (*check at least one of the following*) --
- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
- (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the Issue Fee;
— AND —
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
— AND —
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: 5-17-05

By: ML
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— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the Issue Fee;
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

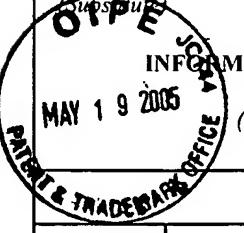
Respectfully submitted,

Date: 5-17-05

By: WBL

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Form PTO-1449  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i> MAY 19 2005				Attorney Docket Number KLYC-01075US1	Serial/Patent Number 10/685,139		
				Applicant/Patent Owner Steven T. Mitchell			
				Filing/Issue Date October 14, 2003	Group Art Unit: 3732		
U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	1.	RE. 36,758	06/27/2000	Fitz	623	017	3/16/95
	2.	2,456,806	12/21/48	Wolffe	033	174	01/14/47
	3.	2,677,369	05/04/54	Knowles	128	092	03/26/52
	4.	3,426,364	02/11/69	Lumb	003	001	08/25/66
	5.	3,643,658	02/22/72	Steinemenan	128	920	08/27/69
	6.	3,648,691	03/14/72	Lumb	128	920	02/24/70
	7.	3,867,728	02/25/75	Stubstad	003	001	04/05/73
	8.	3,875,595	04/08/75	Froning	003	001	04/15/74
	9.	4,034,418	07/12/77	Jackson	003	1.911	05/11/76
	10.	4,219,015	08/26/80	Steinemenan	128	92D	04/18/78
	11.	4,309,777	01/12/82	Patil	003	1.91	11/13/80
	12.	4,349,921	09/21/82	Kuntz	003	001	06/16/80
	13.	4,369,769	01/25/83	Edwards	128	069	06/16/80
	14.	4,401,112	08/30/83	Rezaian	128	92B	10/02/81
	15.	4,455,690	06/26/84	Homsy	003	001	11/06/80
	16.	4,479,491	10/30/84	Martin	128	92B	07/26/82
	17.	4,501,269	02/26/85	Bagby	128	96G	02/21/84
	18.	B1 4,502,161	07/25/89	Wall	623	018	08/19/83
	19.	4,553,273	11/19/85	Wu	623	018	11/23/83
	20.	4,554,914	11/26/85	Kapp	128	92C	10/04/83
	21.	4,599,084	07/08/86	Nashef	623	016	05/24/83
	22.	4,599,086	07/08/86	Doty	623	017	06/07/85

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	23.	4,604,995	08/12/86	Stephens	128	069	03/30/84
	24.	4,611,582	09/16/86	Duff	128	069	12/27/83
	25.	4,636,217	01/13/87	Ogilvie	623	017	04/23/85
	26.	4,643,178	02/17/87	Nastari	128	092	04/23/84
	27.	4,657,550	04/14/87	Daher	623	017	01/16/86
	28.	4,685,447	08/11/87	Iversen	128	01R	03/25/85
	29.	4,696,290	09/29/87	Steffee	128	069	03/31/86
	30.	4,714,469	12/22/87	Kenna	623	017	02/26/87
	31.	4,743,256	05/10/88	Brantigan	623	017	01/22/87
	32.	4,772,287	09/20/88	Ray	623	017	08/20/87
	33.	4,790,303	12/13/88	Steffee	128	924M	03/11/87
	34.	4,834,757	05/30/89	Brantigan	623	017	03/28/88
	35.	4,878,915	11/07/89	Brantigan	623	017	01/04/89
	36.	4,904,260	02/27/90	Ray	623	017	07/25/88
	37.	4,904,261	02/27/90	Dove	623	017	08/04/88
	38.	4,913,134	04/03/90	Luque	128	069	07/29/88
	39.	4,923,471	05/08/90	Morgan	623	016	10/17/89
	40.	4,932,975	06/12/90	Main	623	017	10/16/89
	41.	4,936,848	06/26/90	Bagby	623	017	09/22/89
	42.	4,946,378	08/07/90	Hirayama	623	017	11/22/88
	43.	4,961,740	10/09/90	Ray	606	061	10/17/88
	44.	4,969,888	11/13/90	Scholten	606	094	02/09/89
	45.	5,011,484	04/30/91	Breard	606	061	10/10/89
	46.	5,015,247	05/14/91	Michelson	606	061	06/13/88
	47.	5,015,255	05/14/91	Kuslich	623	017	05/10/89

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	48.	5,026,373	06/25/91	Ray	606	061	11/06/89
	49.	5,035,716	07/30/91	Downey	623	017	05/10/90
	50.	5,047,055	09/10/91	Bao	623	017	12/21/90
	51.	5,055,104	10/08/91	Ray	606	061	11/06/89
	52.	5,059,193	10/22/91	Kuslich	606	061	04/19/90
	53.	5,059,194	10/22/91	Michelson	606	061	02/12/90
	54.	5,062,845	11/05/91	Kuslich	606	080	05/10/89
	55.	5,062,850	11/05/91	MacMillan	623	017	01/16/90
	56.	5,074,864	12/24/91	Cozad	606	054	12/21/88
	57.	5,084,049	01/28/91	Asher et al.	606	061	02/08/89
	58.	5,088,869	02/18/92	Greenslade	411	386	01/24/91
	59.	5,092,866	03/03/92	Breard	606	061	02/02/90
	60.	5,105,255	04/14/92	Shannon	357	068	01/10/90
	61.	5,122,130	06/16/92	Keller	606	061	10/25/90
	62.	5,123,926	06/23/92	Pisharodi	623	017	02/22/91
	63.	5,127,912	07/07/92	Ray	606	061	10/05/90
	64.	5,147,404	09/15/92	Downey	623	017	10/24/90
	65.	5,167,662	12/01/92	Hayes	606	061	01/24/92
	66.	5,167,665	12/01/92	McKinney	606	075	12/31/91
	67.	5,180,381	01/19/93	Aust	606	061	09/24/91
	68.	5,192,327	03/09/93	Brantigan	623	017	03/22/91
	69.	5,258,031	11/02/93	Salib	623	017	12/14/92
	70.	5,263,953	11/23/93	Bagby	606	061	12/31/91
	71.	5,275,601	01/04/94	Gogolewski	606	072	09/03/91
	72.	5,290,312	03/01/94	Kojimoto	623	017	09/03/91

U.S. PATENTS							
Examiner Initial	Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date	
73.	5,300,073	04/05/94	Ray	606	061	01/28/92	
74.	5,304,178	04/19/94	Stahurski	606	061	05/29/92	
75.	5,306,275	04/26/94	Bryan	606	061	12/31/92	
76.	5,306,309	04/26/94	Wagner	623	017	05/04/92	
77.	5,352,225	10/04/94	Yuan	606	061	01/14/93	
78.	5,366,455	11/22/94	Dove	606	061	11/02/89	
79.	5,387,213	02/07/95	Breard	606	061	08/20/93	
80.	5,390,683	02/21/95	Pisharodi	128	898	02/21/92	
81.	5,391,168	02/21/95	Sanders	606	061	04/01/93	
82.	5,395,372	03/07/95	Holt	606	061	09/07/93	
83.	5,415,661	05/16/95	Holmes	606	069	03/24/93	
84.	5,437,672	08/01/95	Alleyne	606	061	08/26/94	
85.	5,443,514	08/22/95	Steffee	623	017	10/01/93	
86.	5,454,812	10/03/95	Lin	606	061	11/14/94	
87.	5,456,722	10/10/95	McLeod	623	013	07/30/93	
88.	5,458,638	10/17/95	Kuslich	623	017	11/06/92	
89.	5,458,641	10/17/95	Ramirez Jimenez	623	017	09/08/93	
90.	5,458,643	10/17/95	Oka	623	018	02/01/94	
91.	5,468,242	11/21/95	Reisberg	606	069	11/19/93	
92.	5,470,333	11/28/95	Ray	606	061	06/10/93	
93.	5,491,882	02/20/96	Walston	029	419.1	09/13/94	
94.	5,496,318	03/05/96	Howland	606	061	08/18/93	
95.	5,505,732	04/09/96	Michelson	606	061	06/07/95	
96.	5,507,745	04/16/96	Logroscino	606	061	02/18/94	
97.	5,507,823	04/16/96	Walston	623	021	09/15/94	

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	98.	5,514,180	05/07/96	Heggeness	623	017	01/14/94
	99.	5,527,312	06/18/96	Ray	606	061	08/19/94
	100.	5,531,747	07/02/96	Ray	606	061	05/30/95
	101.	5,534,028	07/09/96	Bao	623	017	04/20/93
	102.	5,534,029	07/09/96	Shima	623	017	12/01/93
	103.	5,540,689	07/30/96	Sanders	606	061	03/21/94
	104.	5,549,679	08/27/96	Kuslich	623	017	03/01/95
	105.	5,554,191	09/10/96	Lahille	623	017	01/23/95
	106.	5,562,736	10/08/96	Ray	623	017	10/17/94
	107.	5,571,191	11/05/96	Fitz	623	017	03/16/95
	108.	5,577,995	11/26/96	Walker	601	120	06/14/93
	109.	5,584,832	12/17/96	Schlapfer	606	061	03/15/93
	110.	5,593,409	01/14/97	Michelson	606	061	02/17/95
	111.	5,601,553	02/11/97	Trebing	606	061	10/03/94
	112.	5,603,713	02/18/97	Aust	606	061	09/29/94
	113.	5,609,634	03/11/97	Voydeville	623	017	06/30/93
	114.	5,616,142	04/01/97	Yuan	606	061	07/20/94
	115.	5,623,984	04/29/97	Nozaki	164	457	06/23/95
	116.	5,628,756	05/13/97	Barker, Jr.	606	139	07/29/96
	117.	5,645,597	07/08/97	Krapiva	623	017	12/29/95
	118.	5,645,599	07/08/97	Samani	623	017	04/22/96
	119.	5,653,761	08/05/97	Pisharodi	623	017	06/07/95
	120.	5,658,286	08/19/97	Sava	606	061	02/05/96
	121.	5,672,177	09/30/97	Seldin	606	071	01/31/96
	122.	5,674,295	10/07/97	Ray	623	017	04/26/96

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	123.	5,674,296	10/07/97	Bryan	623	017	07/22/96
	124.	5,676,702	10/14/97	Ratron	623	017	12/01/95
	125.	5,702,455	12/30/97	Saggar	623	017	07/03/96
	126.	5,725,582	03/10/98	Bevan	623	017	08/18/93
	127.	5,741,261	04/21/98	Moskovitz	606	079	06/25/96
	128.	5,766,251	06/16/98	Koshino	623	016	11/15/96
	129.	5,766,252	06/16/98	Henry	623	017	01/24/95
	130.	5,800,438	09/01/98	Tuke	606	090	10/22/96
	131.	5,824,098	10/20/98	Stein	623	020	10/03/96
	132.	5,836,948	11/17/98	Zucherman	606	061	01/02/97
	133.	5,860,977	01/19/99	Zucherman	606	061	10/27/97
	134.	5,865,846	02/02/99	Bryan	623	017	05/15/97
	135.	5,876,402	03/02/99	Errico	606	061	03/29/96
	136.	5,876,404	03/02/99	Zucherman	606	061	08/25/98
	137.	5,879,396	03/09/99	Walston	623	021	04/25/97
	138.	5,885,299	03/23/99	Winslow	606	099	03/14/96
	139.	5,888,224	03/30/99	Beckers	627	017	09/05/97
	140.	5,888,226	03/30/99	Rogozinski	623	017	11/12/97
	141.	5,951,555	09/14/99	Rehak	606	061	03/27/96
	142.	5,976,186	11/02/99	Bao	623	017	06/25/96
	143.	6,001,130	12/14/99	Bryan	623	017	10/06/97
	144.	6,022,376	02/08/2000	Assell	623	017	03/16/98
	145.	6,030,162	02/29/2000	Huebner	411	413	12/18/98
	146.	6,045,554	04/04/2000	Grooms	606	073	06/17/98
	147.	6,048,204	04/11/2000	Klardie	433	174	12/22/98

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	148.	6,048,342	04/11/2000	Zucherman	606	061	1027/98
	149.	6,048,344	04/11/2000	Schenk	606	073	11/17/98
	150.	6,068,630	05/30/2000	Zucherman	606	061	10/20/98
	151.	6,099,531	08/08/2000	Bonutti	606	087	08/20/98
	152.	6,113,639	09/05/2000	Ray	623	17.16	03/23/99
	153.	6,129,730	10/10/2000	Bono	606	073	02/10/99
	154.	6,132,464	10/17/2000	Martin	623	017	06/16/95
	155.	6,139,550	10/31/2000	Michelson	606	069	02/11/98
	156.	6,152,927	11/28/2000	Farris	606	069	09/20/99
	157.	6,156,067	12/05/2000	Bryan	623	17.15	05/15/97
	158.	6,190,414 B1	02/20/2001	Young	623	17.15	10/31/96
	159.	6,193,721 B1	02/27/2001	Michelson	606	070	02/11/98
	160.	6,200,322 B1	03/13/2001	Branch	606	096	08/13/99
	161.	6,206,922 B1	03/27/2001	Zdeblick	623	17.11	01/28/98
	162.	6,217,580 B1	04/17/2001	Levin	606	071	08/17/99
	163.	6,224,602 B1	05/01/2001	Hayes	606	069	10/11/99
	164.	6,224,607 B1	05/01/2001	Michelson	606	096	01/25/2000
	165.	6,228,900 B1	05/08/2001	Shen	522	153	07/08/97
	166.	6,234,705 B1	05/22/2001	Troxell	403	237	04/06/99
	167.	6,261,296 B1	07/17/2001	Aebi	606	090	10/01/99
	168.	6,293,949 B1	09/25/2001	Justis	606	061	03/01/2000
	169.	6,306,136 B1	10/23/2001	Baccelli	606	061	07/27/98
	170.	6,352,537 B1	03/05/2002	Strnad	606	061	09/17/98
	171.	6,368,351 B1	04/09/2002	Glenn	623	17.15	03/27/2001
	172.	6,383,186 B1	05/07/2002	Michelson	606	069	09/26/2000

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	173.	6,395,030 B1	05/28/2002	Songer	623	17.11	04/27/2000
	174.	6,398,783 B1	06/04/2002	Michelson	606	070	07/17/2000
	175.	6,402,756 B1	06/11/2002	Ralph	606	071	02/15/2001
	176.	6,419,703 B1	07/16/2002	Fallin	623	17.11	03/01/2001
	177.	6,428,542 B1	08/06/2002	Michelson	606	070	07/17/2000
	178.	6,436,145 B1	08/20/2002	Miller	623	20.34	06/02/2000
	179.	6,454,771 B1	09/24/2002	Michelson	606	070	01/04/2001
	180.	6,458,131 B1	10/01/2002	Ray	606	061	08/07/2000
	181.	6,527,776 B1	03/04/2003	Michelson	606	070	07/17/2000
	182.	6,558,423 B1	05/06/2003	Michelson	623	17.11	05/05/2000
	183.	6,558,686 B1	05/06/2003	Darouiche	424	423	11/08/95
	184.	6,565,570 B2	05/20/2003	Sterett	606	069	03/14/2001
	185.	6,565,605 B2	05/20/2003	Goble	623	17.11	12/13/2000
	186.	6,579,318 B2	06/17/2003	Varga	623	17.11	06/12/2000
	187.	6,579,319 B2	06/17/2003	Goble	623	17.11	11/29/2000
	188.	6,582,437 B2	06/24/2003	Dorchak	606	90	02/22/2001
	189.	6,592,586 B1	07/15/2003	Michelson	606	071	07/17/2000
	190.	6,610,091 B1	08/26/2003	Reiley	623	17.11	10/20/2000
	191.	6,620,163 B1	09/16/2003	Michelson	606	061	07/17/2000
	192.	6,669,729 B2	12/30/2003	Chin	623	17.11	02/11/2003
	193.	6,712,852 B1	03/30/2004	Chung	623	17.11	06/30/2002
	194.	6,730,127 B2	05/04/2004	Michelson	623	17.16	07/10/2001
	195.	6,752,831 B2	06/22/2004	Sybert	623	13.17	12/08/2000
	196.	6,755,841 B2	06/29/2004	Fraser	606	99	12/07/2001
	197.	6,761,720 B1	07/13/2004	Senegas	606	061	10/13/2000

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	198.	6,783,527 B2	08/31/2004	Drewry	606	061	10/30/2001
	199.	6,800,670 B2	10/05/2004	Shen	522	153	02/26/2001
	200.	6,811,567 B2	11/02/2004	Reiley	623	17.11	02/04/2002
U.S. PATENT PUBLICATIONS							
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant			
	201.	US2001/0012938 A1	08/09/2001	Zucherman			
	202.	US2001/0018614 A1	08/30/2001	Bianchi			
	203.	US2002/0004683 A1	01/10/2002	Michelson			
	204.	US2002/0016595 A1	02/07/2002	Michelson			
	205.	US2002/0022843 A1	02/21/2002	Michelson			
	206.	US2002/0065557 A1	05/30/2002	Goble			
	207.	US2002/0072800 A1	06/13/2002	Goble			
	208.	US2002/0077700 A1	06/20/2002	Varga			
	209.	US2002/0099376 A1	07/25/2002	Michelson			
	210.	US2002/0128655 A1	09/12/2002	Michelson			
	211.	US2002/0133155 A1	09/19/2002	Ferree			
	212.	US2002/0151895 A1	10/17/2002	Soboleski			
	213.	US2002/0183756 A1	12/05/2002	Michelson			
	214.	US2002/0183757 A1	12/05/2002	Michelson			
	215.	US2002/0188296 A1	12/12/2002	Michelson			
	216.	US2003/0004572 A1	01/02/2003	Goble			
	217.	US2003/0028250 A1	02/06/2003	Reiley			
	218.	US2003/0040746 A1	02/27/2003	Mitchell			
	219.	US2003/0060828 A1	03/27/2003	Michelson			
	220.	US2003/0078668 A1	04/24/2003	Michelson			

U.S. PATENT PUBLICATIONS				
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
	221.	US2003/0181912 A1	09/25/2003	Michelson
	222.	US2003/0191471 A1	10/09/2003	Michelson
	223.	US2003/0191472 A1	10/09/2003	Michelson
	224.	US2003/0191532 A1	10/09/2003	Goble
	225.	US2003/0204259 A1	10/30/2003	Goble
	226.	US2004/0006391 A1	01/08/2004	Reiley
	227.	US2004/0049272 A1	03/11/2004	Reiley
	228.	US2004/0049273 A1	03/11/2004	Reiley
	229.	US2004/0049274 A1	03/11/2004	Reiley
	230.	US2004/0049275 A1	03/11/2004	Reiley
	231.	US2004/0049276 A1	03/11/2004	Reiley
	232.	US2004/0049277 A1	03/11/2004	Reiley
	233.	US2004/0049278 A1	03/11/2004	Reiley
	234.	US2004/0049281 A1	03/11/2004	Reiley
	235.	US2004/0087948 A1	05/06/2004	Suddaby
	236.	US2004/0111154 A1	06/10/2004	Reiley
	237.	US2004/0116927 A1	06/17/2004	Graf
	238.	US2004/0122427 A1	06/24/2004	Holmes
	239.	US2004/0127989 A1	07/01/2004	Dooris
	240.	US2004/0143268 A1	07/22/2004	Falahee
	241.	US2004/0181226 A1	09/16/2004	Michelson
	242.	US2004/0181229 A1	09/16/2004	Michelson
	243.	US2004/0186475 A1	09/23/2004	Falahee
	244.	US2004/0186476 A1	09/23/2004	Michelson
	245.	US2004/0210313 A1	10/21/2004	Michelson

U.S. PATENT PUBLICATIONS						
Examiner Initial	Patent Application Publication Number	Publication Date	Applicant			
246.	US2004/0210314 A1	10/21/2004	Michelson			
247.	US2004/0220678 A1	11/04/2004	Chow			
248.	US2004/0230201 A1	11/18/2004	Yuan			
249.	US2004/0230304 A1	11/18/2004	Yuan			
250.	US2004/0236334 A1	11/25/2004	Michelson			
251.	US2004/0236335 A1	11/25/2004	Michelson			
252.	US2005/0027297 A1	02/03/2005	Michelson			
253.	US2005/0027298 A1	02/03/2005	Michelson			
FOREIGN PATENT DOCUMENTS						
Examiner Initial	Document Number	Publication Date	Country	Class	Subclass	Abstract Yes No
254.	GB 780652	8-1957	Great Britain			
255.	DE 3113142 A1	1-1982	Germany			✓
256.	EP 140790 A2	10-1984	EPO			
257.	EP 146347 A1	12-1984	EPO			
258.	DE 2821678 A1	4-1980	Germany			✓
259.	EP 322334 A1	12-1988	EPO			
260.	FR 2623085	5-1989	France			✓
261.	SU 1484348 A1	6-1989	Soviet Union			✓
262.	WO 90/00037	1-1990	France			
263.	CA 2015507	1-1991	Canada			
264.	DE 4012622 C1	7-1991	Germany			✓
265.	WO 91/16018	10-1991	PCT			
266.	EP 0307241 B1	12-1992	EPO			
267.	FR 2681525 A1	3-1993	France			✓
268.	WO 94/21185	9-1994	PCT			

FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Abstract Yes No
	269.	WO 94/26192	11-1994	PCT			
	270.	WO 94/26193	11-1994	PCT			
	271.	FR 2705227	11-1994	France			✓
	272.	FR 2707864 A1	1-1995	France			✓
	273.	FR 2717066	9-1995	France			✓
	274.	FR 2717068	9-1995	France			✓
	275.	FR 2717675	9-1995	France			✓
	276.	DE 4409833	10-1995	Germany			✓
	277.	EP 0677277 A2	10-1995	EPO			
	278.	DE 4414781	11-1995	Germany			✓
	279.	WO 95/35067	12-1995	PCT			
	280.	FR 2722088	1-1996	France			✓
	281.	FR 2722980 A1	2-1996	France			✓
	282.	FR 2724554	3-1996	France			✓
	283.	WO 96/08206 A1	3-1996	PCT			
	284.	WO 96/39975	12-1996	PCT			
	285.	EP 0767636 B1	4-1997	EPO			
	286.	JP 10-179622	7-1998	Japan			✓
	287.	WO 98/48717	11-1998	PCT			
	288.	WO 98/55038	12-1998	PCT			
	289.	WO 99/26562	6-1999	PCT			
	290.	WO 99/40866	8-1999	PCT			
	291.	WO 99/42051	8-1999	PCT			
	292.	WO 99/56653	11-1999	PCT			
	293.	WO 99/59669	11-1999	PCT			

FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Abstract Yes No
	294.	FR 2780269 A1	12-1999	France			✓
	295.	WO 00/04851	2-2000	PCT			
	296.	FR 2782911 A1	3-2000	France			✓
	297.	WO 00/13619	3-2000	PCT			
	298.	WO 00/13620	3-2000	PCT			
	299.	WO 00/38582	7-2000	PCT			
	300.	WO 00/53126	9-2000	PCT			
	301.	WO 01/26566 A1	4-2001	PCT			
	302.	WO 01/28442 A1	4-2001	PCT			
	303.	FR 2806614 A1	9-2001	France			✓
	304.	FR 2806616 A1	9-2001	France			✓
	305.	DE 201 12 123 U1	09-2001	Germany			✓
	306.	EP 1138268 A1	10-2001	EPO			
	307.	WO 02/34120 A2	5-2002	PCT			
	308.	WO 02/085226 A1	10-2002	PCT			
	309.	DE 101 35 771 A1	2-2003	Germany			✓
	310.	WO 03/057055 A1	7-2003	PCT			
	311.	WO 03/101350 A1	12-2003	PCT			
	312.	WO 2004/071358 A1	8-2004	PCT			
	313.	WO 2004/098465 A1	11-2004	PCT			

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

	314.	Minns, R.J., et al., <i>Preliminary Design and Experimental Studies of a Novel Soft Implant for Correcting Sagittal Plane Instability in the Lumbar Spine</i> , SPINE Volume 22, Number 16, pp.1819-1825, © 1997, Lippincott-Raven Publishers
	315.	Waldemar Link, brochure entitled <i>Wirbelsäulen-Chirurgie: Instrumentarium Und Implantate Zur Wirbelsäulen-Chirurgie</i> (Spinal Surgery: Instrumentation and Implants for Spinal Surgery), Waldemar Link, Hamburg, Germany
	316.	Haruo Tsuji, et al., <i>Ceramic Interspinous Block (CISB) Assisted Anterior Interbody Fusion</i> , Journal of Spinal Disorders, Vol.3, No.1, pp.77-86, ©1990 Raven Press, Ltd., New York
	317.	Richard W. Porter, MD, FRCS, FRCSE, <i>Spinal Stenosis and Neurogenic Claudication</i> , SPINE Volume 21, Number 17, pp.2046-2052, ©1996, Lippincott-Raven Publishers

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

318.	Supplementary European Search Report dated 08/31/2004
319.	Supplementary European Search Report dated 08/31/2004
320.	Supplementary European Search Report dated 08/31/2004
321.	International Search Report dated 11/05/2004
322.	International Search Report dated 11/15/2004
323.	International Search Report dated 11/18/2004
324.	International Search Report dated 01/25/2005

Examiner	Date Considered
----------	-----------------

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